

REMARKS

This application has been carefully reviewed in light of the Official Action mailed on August 3, 2007. Claims 18-19 are now pending in this application. Claim 20 has been canceled. Applicant respectfully requests reconsideration of this application and favorable action on all remaining claims in this case in view of the foregoing amendments and the following remarks.

Claims 20 stands rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 20 has been canceled, thus rendering the rejection thereof moot.

Claims 18-20 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,601,384 to Dawson ("Dawson").

Independent claim 18 relates to a retaining wall block, adapted for assembly into a retaining wall system and its securement therein by a stabilizing element. Applicant respectfully submits that Dawson fails to teach or suggest at least one of the distinguishing features of independent claim 1, namely, left, right, front, and rear body portions, an interior space defined by the left, right, front, and rear body portions, and at least one alignment element extending vertically from a top surface of the block, the alignment element adapted to be removably received within the interior space of the block. In addition, the cited reference fails to disclose at least one groove adapted to receive the stabilizing element, the groove extending laterally rearward of the front body portion and forward of the rear body portion or laterally between the left and right body portions and wherein the block is adapted to be placed on a flat surface without need for preparation of the flat surface or modification of the block.

Dawson discloses a plantable retaining wall comprising a plurality of rows of plantable retaining wall blocks. Each wall block has a plant-receiving cavity formed in a top surface. The plant-receiving cavity is located between portions of side walls which are generally parallel to the front face of the block. The wall is constructed such that the blocks in each row are offset to expose a substantial portion of the plant-receiving cavity in each block. The shape of the

individual wall blocks allows the retaining wall to be constructed in a substantially vertical orientation. The wall blocks may include an alignment means and a connection means allowing the blocks to be aligned and stabilized with respect to blocks in adjacent rows of the retaining wall.

Applicant respectfully submits that Dawson fails to disclose a *stabilizing element* as claimed. In addition, the cited reference fails to disclose *at least one groove adapted to receive the stabilizing element*. Dawson discloses notches 42; however, the notches 42 as disclosed in Dawson are adapted to accommodate an irrigation pipe or hose so that vegetation in plant receiving cavities may be watered. In contrast, the groove as disclosed in claim 18 are adapted to receive a stabilizing element. Applicant respectfully submits that claim 18 distinguishes over Dawson and is in condition for allowance. Withdrawal of the rejection of claim 18 as anticipated by Dawson is respectfully requested.

Dependent claim 19 depends from and further restricts independent claim 18 in a patentable sense. Applicant respectfully submits that, for at least the reasons set forth above with respect to the rejection of independent claim 18, dependent claim 19 distinguishes over Dawson and is in condition for allowance. Withdrawal of the rejection of dependent claim 19 is respectfully requested.

In view of the foregoing amendments and remarks, Applicant believes the pending application is in condition for allowance. A Notice to that effect is respectfully requested.

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Respectfully submitted,

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